

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PATRICK ESLICK,

Plaintiff,

v.

STATE OF WASHINGTON; JASON P. AEBISCHER; GRANT COUNTY, WASHINGTON; ANNA GIGLIOTTI; CITY OF MOSES LAKE, WASHINGTON; TRAVIS RUFFIN; and JOSE PEREZ,

Defendants.

NO. 2:21-CV-0282-TOR

ORDER DENYING MOTION TO REVISIT APPOINTMENT OF COUNSEL

BEFORE THE COURT is Plaintiff's Motion to Revisit Appointment of Counsel (ECF No. 26). The Court has reviewed the record and files herein and is fully informed. For the reasons discussed below, Plaintiff's Motion is DENIED.

Plaintiff, proceeding *pro se* and *in forma pauperis*, moves the Court to revisit appointment of counsel. Generally, a person has no right to counsel in civil actions. However, the court has discretion to request counsel pursuant to 28

1 U.S.C. § 1915(e)(1) under “exceptional circumstances.” *Palmer v. Valdez*, 560
2 F.3d 965, 970 (9th Cir. 2009). The court may only request attorneys to represent
3 impoverished litigants, rather than command them to take cases, and there is no
4 compensation available for them. *Mallard v. U.S. Dist. Court for S. Dist. of Iowa*,
5 490 U.S. 296, 302, & n.3 (1989). “When determining whether ‘exceptional
6 circumstances’ exist, a court must consider ‘the likelihood of success on the merits
7 as well as the ability of the petitioner to articulate his claims *pro se* in light of the
8 complexity of the legal issues involved.” *Palmer*, 560 F.3d at 570 (quoting
9 *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983)).

10 Plaintiff seeks money damages and has apparently contacted numerous
11 attorneys who will not take his case. ECF No. 15. Plaintiff has not demonstrated
12 that exceptional circumstances justify appointment of *pro bono* counsel.

13 **ACCORDINGLY, IT IS HEREBY ORDERED:**

14 Plaintiff’s Motion to Revisit Appointment of Counsel (ECF No. 26) is
15 **DENIED.**

16 The District Court Executive is directed to enter this Order and furnish
17 copies to counsel.

18 DATED November 22, 2021.



19 A handwritten signature in blue ink that reads "Thomas O. Rice".
20 THOMAS O. RICE
United States District Judge